

REMARKS

Claims 1-17 are pending in the case.

Response to the Office Action**The Rejection under 35 U.S.C. § 103 over Terry et al. in view of Boucher**

Claims 1 and 3-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Terry et al. (US 5,259,848) in view of Boucher (US 3,929,662). Applicants respectfully traverse this rejection. The references do not establish a *prima facie* case of obviousness. There is no suggestion or motivation to combine the references, as required in MPEP 2143.01. Using Boucher's acidic pH for the Terry et al. composition would render a key element of Terry's stain remover (hydrogen peroxide) ineffective, according to Terry et al's own statements. A *prima facie* case of obviousness cannot be established if the proposed modification renders the prior art unsatisfactory for its intended use (see MPEP 2143.01). Therefore, Applicants contend that the claimed invention is unobvious and that the rejection should be withdrawn.

As stated in section 2143.01 of the MPEP, "The proposed modification cannot render the prior art unsatisfactory for its intended purpose." However, the current rejection would seem do that by converting Terry et al's invention to an acidic form. Terry et al. achieve stain removal by using a basic solution (Col. 2, lines 63-65 and Col. 4, lines 7-9). Specifically, Terry states "Hydrogen peroxide is stable in acid, but decomposes in base to form reactive species that attack the staining material and cause it to break down." (see Col. 2, lines 52-54). Clearly, Terry teaches that his cleaning solution is basic (pH 7.0 to 10.5) to allow the peroxide to work. Therefore, one skilled in the art would not expect an acidic composition to be useful in Terry et al's invention. Certainly, the pH of the overall carpet cleaning composition would not be acidic, since (according to Terry et al.) the hydrogen peroxide would not be reactive with the staining material in an acidic solution. Applicants contend that this teaches away from using the fluorinated and/or perfluorinated compounds of Boucher to formulate a carpet cleaning composition having a pH between 0 and 6.5, as stated on page 3 of the Office Action.

Furthermore, Terry et al. and Boucher achieve their intended stain removal and sterilization results through different chemical mechanisms. Therefore, one skilled in the art would have no motivation to combine their teachings. Terry et al use hydrogen peroxide as a key part of the stain remover (see Col. 2, lines 52-59 and the Examples). As discussed above, Terry et al. teach that hydrogen peroxide requires a basic environment to break down stains. Boucher, on the other hand, uses specific types of aldehydes in combination with specific fluoro or perfluoro carbons. Since Boucher uses a completely different chemical mechanism to sterilize, his invention is effective in an acidic composition. One skilled in the art would have no reason to change the pH of Terry et al's

invention based on Boucher because they are completely different types of cleaners/sterilizers. For these reasons, Applicants respectfully contend that the claimed invention is not obvious in view of the cited references.

The Rejection under 35 U.S.C. § 103 over Terry et al. in view of Boucher and Grippaudo et al.


Claim 2 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Terry et al. (US 5,259,848) in view of Boucher (US 3,929,662) and further in view of Grippaudo et al. (US 6,403,547). Applicants respectfully traverse this rejection. The references do not establish a *prima facie* case of obviousness. There is no suggestion or motivation to combine the references, as required in MPEP 2142.01. As discussed above, using Boucher's acidic pH for the Terry et al. composition would render a key element of Terry's stain remover (hydrogen peroxide) ineffective, according to Terry et al.'s own statements. A *prima facie* case of obviousness cannot be established if the proposed modification renders the prior art unsatisfactory for its intended use (see MPEP 2143.01). Grippaudo does not provide further motivation regarding these issues. Therefore, Applicants contend that the claimed invention is unobvious and that the rejection should be withdrawn.

Conclusion

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. WHEREFORE, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein and allowance of Claims 1-17.

Respectfully submitted,

FOR: LEO GAGLIARDI, et al.

By: 
Brent M. Peebles
Attorney for Applicant(s)
Registration No. 38,576
(513) 627-6773

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